

ASSEMBLY BILL

No. 121

Introduced by Assembly Member Vargas

January 13, 2005

An act to add Chapter 5.5 (commencing with Section 105320) to Part 5 of Division 103 of the Health and Safety Code, relating to lead contamination of candy.

LEGISLATIVE COUNSEL'S DIGEST

AB 121, as introduced, Vargas. Imported candy: maximum allowable lead levels.

Under existing law, the State Department of Health Services is responsible for administering the Childhood Lead Poisoning Prevention Act of 1991. Existing law requires the department to establish a childhood lead poisoning prevention program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures. Existing law requires the department to assess a fee for these purposes against persons who contributed to sources of lead contamination.

This bill would require the department, as a component of the Childhood Lead Poisoning Prevention Act of 1991, to monitor lead levels in imported candy sold or distributed in the state to determine the lead levels contained in the candy. The bill would require the department to establish maximum allowable lead levels for imported candy.

This bill would require the department, if it tests candy and determines that the imported candy exceeds the maximum allowable lead level, to issue health advisory notices to county health departments alerting them to the dangers posed by consumption of the

candy, and to notify the manufacturer and distributor of the candy that the candy exceeds the maximum allowable lead level and that the candy may not be sold or distributed in the state unless further testing proves that the candy is in compliance with the maximum allowable lead level.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 dangerous lead levels have been found in imported candy.

3 SEC. 2. Chapter 5.5 (commencing with Section 105320) is
4 added to Part 5 of Division 103 of the Health and Safety Code, to
5 read:

6
7 CHAPTER 5.5. LEAD IN IMPORTED CANDY
8

9 105320. (a) The department shall monitor lead levels in all
10 imported candy sold or distributed in the state. Monitoring shall
11 include sampling and testing to determine the lead levels
12 contained in the candy.

13 (b) The department shall establish the maximum allowable
14 lead levels as zero or the lowest detectable level for all imported
15 candy sold or distributed in the state. In establishing these levels,
16 the department shall consider any relevant standards, guidelines,
17 and information available from the federal Food and Drug
18 Administration and the federal Centers for Disease Control and
19 Prevention, and any other source that the department deems
20 appropriate.

21 (c) If the lead level in candy that is tested by the department
22 pursuant to subdivision (a) exceeds the maximum allowable lead
23 level, the department shall do both of the following:

24 (1) Issue health advisory notices to county health departments
25 alerting them to the danger posed by consumption of the candy.

26 (2) Notify the manufacturer and the distributor of the candy
27 that the candy exceeds the maximum allowable lead level, and
28 that the candy may not be sold or distributed in the state until
29 further testing proves that the candy is in compliance with the
30 maximum allowable lead level.

1 (d) (1) If imported candy exceeds the maximum allowable
2 lead level, the manufacturer or distributor may correct the
3 problem and resubmit the candy to the department for further
4 testing.

5 (2) If the lead content of the candy is below the maximum
6 allowable lead level when it is retested, the department shall
7 provide the manufacturer or distributor and the county health
8 department with a letter stating that the candy has been retested
9 and determined to contain less than the maximum allowable lead
10 level established by the department, and that the sale and
11 distribution of the candy in the state may resume.

12 (3) If the candy still exceeds the maximum allowable lead
13 level after it has been retested, the manufacturer or distributor
14 may take corrective measures and continue to resubmit samples
15 for testing until the candy's lead content is below the maximum
16 allowable lead level if the manufacturer or distributor wishes to
17 sell or distribute the candy in the state.

18 (e) This program shall be administered by the department
19 under the Childhood Lead Poisoning Prevention Act of 1991
20 (Chapter 5 (commencing with Section 105275)).